

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN B. DOTY,

Plaintiff(s),

CASE NUMBER: 07-13183

HONORABLE VICTORIA A. ROBERTS

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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ORDER ADOPTING REPORT AND RECOMMENDATION

On June 4, 2008, Magistrate Judge R. Steven Whalen submitted a Report and Recommendation (Doc. #14) recommending that the Court: (1) GRANT Plaintiff's Motion for Summary Judgment (Doc. #9) to the extent the matter is remanded for further fact-finding; (2) DENY Plaintiff's request for an award of benefits; (3) DENY Plaintiff's request for a Sentence Six remand; and (4) DENY Defendant's Motion for Summary Judgment (Doc. #13). Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court will adopt the Magistrate Judge's Report and Recommendation. The Court, therefore, **DENIES** Defendant's Motion for Summary Judgment and **REMANDS** this matter to the Commissioner. On remand, the Commissioner must provide the Vocational Expert a hypothetical question that accounts for Plaintiff's moderate limitations in concentration, persistence, and pace.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: June 25, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 25, 2008.

s/Carol A. Pinegar
Deputy Clerk